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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,208	02/13/2002	Karen Papierniak	9066 (3225-123)	4802
26890	7590	11/18/2004	EXAMINER	
JAMES M. STOVER NCR CORPORATION 1700 SOUTH PATTERSON BLVD, WHQ4 DAYTON, OH 45479			STEVENS, ROBERT	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,208

Applicant(s)

PAPIERNIAK, KAREN

Examiner

Robert M Stevens

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/13/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-15 are pending in Application No. 10/073,302, entitled "Visualization Tool for Web Analytics", filed 2/13/2002 by Papierniak. Claims 1 and 8 are independent.

2. The Office acknowledges Information Disclosure Statement filed on 2/13/2002.

Priority

3. Applicant makes no claim to either domestic or foreign priority.

Office Comments

4. The Office interprets the "storing web pages" limitation recited at line 3 of claim 1 to mean electronic storing into a computer hardware memory.

Drawings

5. Applicant is reminded to refer to the accompanying form PTO-948 Notice of DraftsPerson's Patent Drawing Review.

6. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

7. The Office recommends renumbering Fig. 1 (or at least #10) to avoid ambiguity between structural element #10 and an exemplary data line ("10. Home Page 1").
8. Fig. 3 client browser appears to contain extraneous numbers "1.0,2.15,3.3", which should be removed.
9. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c) and 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

10. The disclosure is objected to because of the following informalities:

The third line of [045] uses the word "affect" rather than "effect". Applicant is reminded to please correct all spelling/grammatical/etc. mistakes throughout the specification (including the claims and drawings).

Claim Rejections - 35 USC § 112

11. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

12. **Claims 1-7 are rejected under 35 USC 112, first paragraph**, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding independent claim 1, no implementation details were provided as to the analysis of stored web pages, themselves (as opposed to web page logs). Refer to the second limitation of claim 1 on lines 4-5. For further examination purposes, the

Office considers the analysis to be performed on web page logs/historical information (as recited in claim 8).

Claims 2-7 are dependent upon claim 1, and therefore likewise rejected.

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. **Claims 2 and 8-15 are rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claims 2 and 9, these claims use the language "html-based or XML/XSL-based". This language renders the claim vague and indefinite (in particular the modifier "based" and the term "XML/XSL". How based? Both XML and XSL? XML or XSL?).

Regarding independent claim 8, there appears to be a missing step. In the recited third limitation "historical data" is retrieved from the database, yet "analyzed data" is provided to the GUI.

Claims 9-15 are dependent upon claim 8 and therefore likewise rejected.

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

16. **Claims 8-11 are rejected under 35 USC 102(e)** as being anticipated by Gruyer et al (US Patent Application Publication No. 2002/0112048, filed Dec. 11, 2000, hereafter referred to as "Gruyer"). Note that the Microsoft Dictionary, 4th Edition, Microsoft Press, Redmond WA, (c) 1999, pp. 243-244 (hereafter "MS Dictionary") has been used to supply the definition of Internet Explorer.

Regarding independent claim 8, Gruyer discloses:

*A web site visualization tool for web analytics, comprising:
a graphical user interface; (Fig. 2 #200)
a database storing historical data; (Fig. 1 #120, 122) and
a relationship engine (Fig. 1 #118) able to retrieve historical data
from said database (Fig. 1 #120, 122) and able to provide analyzed data
(Fig. 2 #204) to said graphical user interface. (Fig. 2 #200)*

Regarding claim 9, which is dependent upon claim 8, Gruyer further discloses:

wherein the graphical user interface is an html-based or XML/XSL-based interface. (Fig. 1 #110 and 124 showing various versions of Internet Explorer (IE) used as a GUI. IE displays HTML documents, as evidenced by the Internet Explorer definition in the MS Dictionary, pp. 243-244)

Regarding claim 10, which is dependent upon claim 8, Gruyer discloses:

wherein the analyzed data provided to said graphical user interface includes a web page metric. (Fig. 2 #204)

Regarding claim 11, which is dependent upon claim 10, Gruyer discloses:

wherein the web page metric include at least one of number of promotional click-throughs. (Fig. 5 #500)

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. **Claims 1-7 and 12-15 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Gruyer et al (US Patent Application Publication No. 2002/0112048,

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filed Dec. 11, 2000, hereafter referred to as "Gruyer") in view of Burner et al. (US Patent No. 6,282,548, filed Jun. 21, 1997 and issued Aug. 28, 2001, hereafter referred to as "Burner"). Note that the Microsoft Dictionary, 4th Edition, Microsoft Press, Redmond WA, (c) 1999, pp. 243-244 (hereafter "MS Dictionary") has been used to supply the definition of Internet Explorer.

Regarding independent claim 1, Gruyer discloses:

A method of analyzing web sites using a visualization tool, comprising the following steps:

*storing web pages; (Fig. 1 #118, 120, 122 and 114)
analyzing the stored web pages ([0044] re: analyzer software) and
generating a web page metric of the stored web pages; ([0044] re:
producing a report) and*

....

However, Gruyer does not explicitly disclose:

*combining the web page metric with at least one of the stored web
pages in a graphical user interface.*

Burner, though, discloses:

*combining the web page metric with at least one of the stored web
pages in a graphical user interface. (Adding supplemental information to
web pages [i.e., a graphical user interface] is well known in the art as
evidenced in Fig. 4 #402 and 405 [the metadata of #405 being analogous
to Applicant's metric/report data])*

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Burner for the benefit of Gruyer, because to do so would allow a programmer to concurrently display a web page and supplemental data

(such as metadata), as taught by Burner in the Abstract. These references were all applicable to the same field of endeavor, i.e., the presentment of data ancillary to a web page, rather than merely its content.

Regarding claim 2, which is dependent upon claim 1, Gruyer further discloses:

wherein the graphical user interface is an html-based or XML/XSL-based interface. (Fig. 1 #110 and 124 showing various versions of Internet Explorer [IE] used as a GUI. IE displays HTML documents, as evidenced by the Internet Explorer definition in the MS Dictionary, pp. 243-244)

Regarding claim 3, which is dependent upon claim 1, Gruyer further discloses:

wherein the web page metric include at least one of number of promotional click-throughs. (Fig. 5 #500)

Regarding claim 4, which is dependent upon claim 1, the limitations of claim 1 have been previously addressed.

However, Gruyer does not explicitly disclose:

wherein the graphical user interface includes a report region and at least one web page image corresponding to an entry in the report region.

Burner, though, discloses:

wherein the graphical user interface includes a report region and at least one web page image corresponding to an entry in the report region. (Adding supplemental information to web pages [i.e., a graphical user interface] is well known in the art as evidenced in Fig. 4 #402 and 405 [the metadata of #405 being analogous to Applicant's metric/report data])

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Burner for the benefit of Gruyer, because to do so would allow a programmer to concurrently display a web page and supplemental data (such as metadata), as taught by Burner in the Abstract. These references were all applicable to the same field of endeavor, i.e., the presentment of data ancillary to a web page, rather than merely its content.

Regarding claim 5, which is dependent upon claim 4, Gruyer further discloses:

wherein the report region includes a web page metric. (Fig. 2 #200)

Regarding claim 6, which is dependent upon claim 1, the limitations of claim 1 have been previously addressed.

However, Gruyer does not explicitly disclose:

wherein the graphical user interface includes a web page region and a web page information region.

Burner, though, discloses:

wherein the graphical user interface includes a web page region (Fig. 4 #402) and a web page information region. (Fig. 4 #405)

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Burner for the benefit of Gruyer, because to do so would allow a programmer to concurrently display a web page and supplemental data

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(such as metadata), as taught by Burner in the Abstract. These references were all applicable to the same field of endeavor, i.e., the presentment of data ancillary to a web page, rather than merely its content.

Regarding claim 7, which is dependent upon claim 6, Gruyer further discloses:

wherein the web page information region includes a web page metric. (Fig. 2 #200)

Claims 12-15 are substantially similar to claims 4-7, respectively, and therefore likewise rejected.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Non-patent Literature

Malacinski, Andrei, et al., "Measuring Web Traffic, Part 1", IBM Application Middleware Lab, downloaded from: <http://www-106.ibm.com/developerworks/web/library/wa-mwt1/?dwzone=web>, Mar. 1, 2001, pp. 1-9.

Malacinski, Andrei, et al., "Measuring Web Traffic, Part 2", IBM Application Middleware Lab, downloaded from: <http://www-106.ibm.com/developerworks/web/library/wa-mwt2/?dwzone=web>, Mar. 1, 2001, pp. 1-13.

Padmanabhan, Balaji, et al., "Personalization from Incomplete Data: What You Don't Know Can Hurt", Proceedings of the 7th ACM SIGKDD International Conference On Knowledge Discovery and Data Mining, San Francisco, CA, Aug. 2001, pp. 154-163 (plus citation page).

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Fenstermaker, Stephen, et al., "METRICS: A System Architecture for Design Process Optimization", Proceedings of the 37th Conference On Design Automation, Los Angeles, CA, Jun. 2000, pp. 705-710 (plus citation page).

Zhu, Xiaolan, et al., "Incorporating Quality Metrics in Centralized/Distributed Information Retrieval on the World Wide Web", Proceedings of the 23rd Annual International ACM SIGIR Conference On R&D in Information and Retrieval, Athens, Greece, Jul. 2000, pp. 288-295 (plus citation page).

WebSphere V3.5 Handbook, IBM Redbooks, Jan. 2001, pp. 1-4, 539-541, 265-293 and 926-932.

US Patent Application Publications

DeBettencourt et al	US2002/0042823
Marshall et al	US2002/0010697
Linden et al	US2002/0198882
Viavant et al	US2002/0184363
Kontogouris	US2002/0082910
Hodgkinson	US2002/0194611
Shuping et al	US2003/0090510
Aasman	US2003/0135820

US Patents

Weinberg et al	6,549,944
Barrett et al	5,727,129
Nielsen	5,963,964

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M Stevens whose telephone number is (571) 272-4102. The examiner can normally be reached on M-F 6:00 - 2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The current fax phone number for the organization where this application or proceeding is assigned is 703-

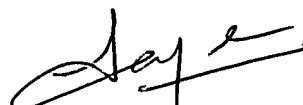
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872-9306. Additionally, the main number for Technology Center 2100 is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert M. Stevens
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Date: October 29, 2004

rms



SANJIV SHAH
PRIMARY EXAMINER